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Quarry operator fined \$24,200 in ERD Court

The EPA has today welcomed an Environment Resources and Development Court decision to impose a \$24,200 fine on a company for illegally operating a waste depot.

EM Earthmovers Pty Ltd pleaded guilty to operating a waste depot without an environmental licence at a clay quarry on Churchett Road, Highbury.

An EPA investigation found mixed construction and demolition waste being dumped into the quarry between 16 August and 12 November 2012. Assessment reports identified that between 19,000 and 47,500 m³ of waste had been disposed into the quarry.

Testing identified elevated concentrations of heavy metals, organochlorine pesticides and hydrocarbons in the waste.

Once the EPA became aware of the activity, it issued an environment protection order to ensure the site was cleaned up as soon as practicable. The site has since been remediated to the satisfaction of the EPA.

EPA Acting Manager Investigations and Waste Compliance Simon Shillabeer said that the conviction recorded today and accompanying fine should serve as a reminder to industry that there are significant penalties for illegal waste operations.

“The EPA has been increasing its focus on pursuing large-scale and commercial-scale illegal dumping, and this has resulted in a record number of successful prosecutions in the past year,” Mr Shillabeer said.

“While we are pleased that the site which was the focus of today’s court matter is now remediated, people should be aware that these type of activities have the potential to cause environmental harm. This can cost the community in the longer term, either in loss of amenity or in having to pay to clean up sites where the operators have long since gone,” he said.

“This penalty also sends a message to companies who are doing the right thing, that the EPA will support them by taking action to ensure there is a level playing field.”

In handing down her decision, Her Honour Judge Cole stated that a general deterrence is a significant factor in sentencing for offences against the regulatory system under the *Environment Protection Act 1993*. In sentencing EM Earthmovers, Judge Cole sought to protect the safety of the community.

Judge Cole noted that the filling of part of the site with commercial and industrial waste, including a small quantity of asbestos and other contaminants had some potential to cause environmental damage and pose a risk to human health, but in the event, the area affected has been capped in such a way that the potential risk has been minimised.